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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICTORIA MUNOZ, *et al.*,

Plaintiffs,

v.

SACRAMENTO AREA COUNCIL OF
GOVERNMENTS, *et al.*,

Defendants.

Case No. C05-01525 (JSW/EDL)

**[PROPOSED] ORDER GRANTING JOINT
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT
AGREEMENTS, CLASS CERTIFICATION
FOR PURPOSES OF SETTLEMENT,
APPROVAL OF PROPOSED NOTICE TO
CLASS, AND THE SETTING OF A
SCHEDULE FOR HEARING ON FINAL
APPROVAL**

Date: April 20, 2007
Time: 9:00 a.m.
Place: Courtroom 2, 17th floor
Judge: Hon. Jeffrey S. White

1 Plaintiffs, on behalf of themselves and all Settlement Class Members, and all Defendants
2 remaining in this case, California Highway Patrol and its Commissioner Mike Brown (“CHP”),
3 California Department of Transportation and its Director Will Kempton (“Caltrans”), Riverside
4 County Transportation Commission (“RCTC”), and San Bernardino County Service Authority for
5 Freeway Emergencies (“SB SAFE”), have entered into settlements of Plaintiffs’ claims in this
6 class action. The parties have jointly moved for an order (1) granting conditional certification of
7 the settlement classes for injunctive and declaratory relief pursuant to F.R.C.P. 23 for settlement
8 purposes only; (2) granting preliminary approval of the settlement agreements reached between
9 Plaintiffs and each of the four Defendants (the “Settlement Agreements”), attached as Exhibits A
10 through D to the Joint Notice of Motion and Motion by All Parties for Preliminary Approval of
11 Class Action Settlement Agreements, Class Certification for Purposes of Settlement, Approval of
12 Proposed Notice to Class, and the Setting of a Schedule for Hearing on Final Approval (the
13 “Preliminary Approval Motion”), as fair, reasonable, and adequate; (3) approving notice to the
14 class as provided in the Settlement Agreements; and (4) setting a hearing date and briefing
15 schedule for final approval. After due consideration of the Preliminary Approval Motion, its
16 supporting Memorandum of Points and Authorities, its supporting declarations, arguments of
17 counsel and all other matters presented to the Court,

18 IT IS ORDERED THAT:

- 19 1. The Preliminary Approval Motion is hereby GRANTED.
- 20 2. The classes described in the respective Settlement Agreements (the “Settlement
21 Classes”) are conditionally certified under Rule 23(b)(1)(A) and Rule 23(b)(2) for settlement
22 purposes only.
- 23 3. Plaintiffs Victoria Munoz, Daniel Arellanes, Lyle Hinks, Seymour Bernstein, and
24 the California Association of the Deaf are adequate representatives of the Settlement Classes,
25 have claims typical of members of the Settlement Classes, and designated as class representatives.
- 26 4. The California Center for Law and the Deaf (“CalCLAD”), the Disability Rights
27 Legal Center (“DRLC”), and Morrison & Foerster, LLP adequately represent the Settlement
28 Classes and are designated as class counsel (“Class Counsel”).

1 5. The proposed settlements are within the range of possible approval, and
2 preliminary approval of all four Settlement Agreements is granted.

3 6. The proposed Publication Notices and Community Notices, attached to each of the
4 Settlement Agreements, provide fair and adequate notice of the settlements to the Settlement
5 Classes and are approved.

6 7. Defendant Caltrans shall, at its expense, arrange for publication of the Publication
7 Notice attached as the first two pages of Exhibit 1 to the Caltrans Settlement Agreement, which
8 Publication Notice is identical to the Publication Notice attached as Exhibit 1 to the CHP
9 Settlement Agreement, in the *San Francisco Chronicle* and the *Los Angeles Times*. Publication
10 shall begin on or before April 27, 2007 and shall run for a total of two days.

11 8. Defendant SB SAFE shall, at its expense, arrange for publication of its Publication
12 Notice in the *San Bernardino Sun*. Publication shall begin on or before April 27, 2007 and shall
13 run for a total of two days.

14 9. Defendant RCTC shall, at its expense, arrange for publication of its Publication
15 Notice in the *Riverside Press-Enterprise*. Publication shall begin on or before April 27, 2007 and
16 shall run for a total of two days.

17 10. On or before April 27, 2007, class counsel shall arrange for the Community
18 Notices for all four Settlement Agreements to be published on the websites of the California
19 Association of the Deaf (“CAD”), CalCLAD, and DRLC and to be maintained on those websites
20 through the date of the Fairness Hearing.

21 11. On or before April 27, 2007, class counsel shall arrange for hyperlinks to the
22 Community Notices for all four Settlement Agreements to be e-mailed to all of the agencies,
23 service providers, and organizations (collectively “organizations”) identified in Exhibit E to the
24 Preliminary Approval Motion, which exhibit is hereby incorporated by reference, with a request
25 that those organizations (1) post those hyperlinks on their websites through the date of the
26 Fairness Hearing, (2) distribute those hyperlinks via e-mail to all persons on their electronic
27 mailing lists as soon as possible, and (3) print out copies of the Community Notices for all four
28 Settlement Agreements for posting in those organizations’ respective places reserved for

1 information and notices directed at deaf and hearing-impaired persons through the date of the
2 Fairness Hearing.

3 12. On or before April 27, 2007, each of the Defendants shall post Community Notices
4 for their respective Settlement Agreements on their websites through the date of the Fairness
5 Hearing.

6 13. The Court has become aware that some of the Defendants have not provided notice
7 to appropriate state and federal officials of the settlement within the ten-day period required by 28
8 U.S.C. section 1715. All Defendants shall provide such notice to such officials on or before April
9 27, 2007.

10 14. A hearing ("the Fairness Hearing") shall be held before this Court on July 6, 2007
11 at 9:00 a.m. for the Court to hear any objections as to: (i) whether the proposed settlements as set
12 forth in the Settlement Agreements are fair, reasonable and adequate to the members of the
13 Settlement Classes and should be approved by the Court, without modification, as binding on the
14 members of the Settlement Classes; (ii) whether an order should be entered approving the terms
15 of the Settlement Agreements and dismissing and releasing all claims against Defendants as
16 provided in the Settlement Agreements; and (iii) whether the request of Class Counsel for
17 payment of attorneys' fees and reimbursement of expenses as provided in the Settlement
18 Agreements should be approved. The Court will not issue an order making a final determination
19 at the Fairness Hearing on those issues. Instead, the Court will wait until July 27, 2007 to issue
20 an order making a final determination on those issues, in order to comply with 28 U.S.C. section
21 1715(d).

22 15. Any interested person may appear at the Fairness Hearing to show cause why the
23 Settlement Agreements should or should not be approved as fair, reasonable, adequate, and in
24 good faith and/or why the request of Class Counsel for approval of attorneys' fees and expenses
25 and litigation-related reimbursements should or should not be approved as fair and reasonable;
26 provided, however, that no person shall be heard or entitled to contest the approval of the terms
27 and conditions of the Settlement Agreements or the fees, costs, and reimbursements requested by
28 Class Counsel, unless that person has sent or delivered written objections and copies of any

1 supporting papers and briefs so that they are received no later than 5:00 p.m. on June 15, 2007,
2 upon class counsel below:

3 California Center for Law and the Deaf

4 14895 E. 14th Street, Suite 220

5 San Leandro, CA 94578

6 (510) 483-0967 (fax)

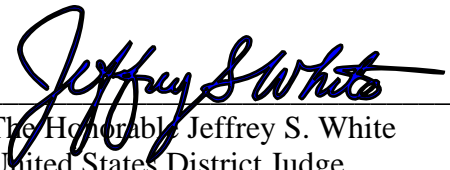
7 16. Any member of the Settlement Classes who does not submit an objection in the
8 manner provided above shall be deemed to have waived any objection to the Settlement
9 Agreements and shall forever be foreclosed from making any objection to class certification, to
10 the fairness, adequacy or reasonableness of the Settlement Agreements, and to any attorneys' fees
11 and reimbursements approved.

12 17. On or before June 29, 2007, Class Counsel shall file a declaration with the Court
13 attaching all written objections and copies of any supporting papers and briefs received by
14 CalCLAD on or before 5:00 p.m. on June 15, 2007.

15 18. Any additional memoranda, affidavits, declarations and other evidence in support
16 of the request for final approval of the Settlement Agreements shall be filed on or before June 29,
17 2007.

18 IT IS SO ORDERED.

19 Dated: April 25, 2007

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22 The Honorable Jeffrey S. White
23 United States District Judge
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